

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

Ryan S. Blevins,)
)
)
)
vs.) No. 05-0638-CV-W-FJG
) Crim. No. 03-0303-01-CR-W-FJG
United States of America,)
)
) Respondent.)

ORDER

Movant pled guilty to Counts 1, 6 and 7 of the Indictment on December 29, 2003. A sentencing hearing was held on June 21, 2004, and judgment entered on June 23, 2004. Movant filed a notice of appeal on May 2, 2005. This appeal was dismissed by the United States Court of Appeals for lack of jurisdiction on May 20, 2005 (Doc. #30, filed June 13, 2005).

Now pending before this Court is the motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 (Doc. #1, filed July 15, 2005, and Doc. #5, filed August 22, 2005) and the government's response (Doc. #9, filed October 26, 2005). Upon review of the pending motion and response, the Court concludes the issues raised by movant are not supported by either the record or prevailing legal authority. For the aforesaid reasons movant's request for an evidentiary hearing is denied, and his motion to vacate, set aside or correct this sentence pursuant to 28 U.S.C. Sec. 2255 is denied.

/s/Fernando J. Gaitan, Jr.
Fernando J. Gaitan, Jr.
United States District Judge

Dated: December 29, 2005
Kansas City, Missouri